

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UGOCHUKWU GOODLUCK  
NWAUZOR, FERNANDO AGUIRRE-  
URBINA, individually and on behalf of all  
those similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida  
corporation,

Defendant.

No. 3:17-cv-05769-RJB

**SECOND DECLARATION OF  
JAMAL N. WHITEHEAD IN  
SUPPORT OF PLAINTIFFS'  
MOTION TO AMEND NOTICE  
PLAN**

I, JAMAL N. WHITEHEAD, declare as follows:

1. I am over the age of eighteen, competent to testify in this matter, and do so based on personal knowledge.

2. I attach as Exhibit 2<sup>1</sup> a true and correct copy of an email string between me and former defense counsel Greenberg Traurig dated December 12, 2018 through January 8, 2019.

3. The Court requested an update about the status of the class list, and the parties submitted a joint status report, in which Plaintiffs requested that the Court set a deadline for

<sup>1</sup> Exhibit 1 is attached to my first declaration filed in support of Plaintiffs' motion.

1 GEO to produce a class list including: “(1) address prior to detention, (2) forwarding address  
2 at the time of release, (3) telephone number, (4) email address, and (5) alien registration  
3 number or ‘A-number.’” The Court granted the relief requested ordering production on  
4 April 12 and April 29, 2019, with the latter production to include class member contact  
5 information. Before production, GEO did not express concern to the Court or Plaintiffs about  
6 missing or incorrect address information, nor that ICE had concerns about the sufficiency or  
7 accuracy of the class member/detainee addresses.

8 4. I attach as Exhibit 3 a true and correct copy of an email from me to former  
9 defense counsel at Holland & Knight dated May 1, 2019, regarding problems with the  
10 addresses provided on the class list.

11 5. I attach as Exhibit 4 and Exhibit 5 true and correct copies of an email from me  
12 to former defense counsel dated June 6, 2019, and between me and former and current defense  
13 counsel at Holland & Knight dated between July 16, 2019 and August 23, 2019, respectively,  
14 requesting refinement of the class list. Counsel informed me that GEO had no better  
15 information. The parties did agree that GEO would confirm at least who was still in custody  
16 before Plaintiffs sought to modify the notice plan.

17 6. After again switching counsel, this time to the Akerman law firm, GEO  
18 requested more time to confirm who was still in custody. I attach as Exhibit 6 a true and correct  
19 copy of an email string between me and current defense counsel dated between August 23,  
20 2019 and October 10, 2019.

21 7. I attach as Exhibit 7 a true and correct copy of an email from me to current  
22 defense counsel dated October 15, 2019.

8. In October 2019, I broached the subject of amending the notice plan in light of the deficiencies in the class list; GEO did not voice immediate opposition, but came to oppose amending the plan within a matter of weeks. I attach as Exhibit 8 a true and correct copy of an email string between me and current defense counsel dated between November 18, 2019 and December 2, 2019.

9. I attach as Exhibit 9 a true and correct copy of an email string between me and current defense counsel dated between December 3, 2019 and December 5, 2019; and as Exhibit 10 a true and correct copy of an email string between me and current defense counsel dated December 12, 2019.

10. When confronted with its conflicting position on the same issue in *Menocal*, GEO offered no explanation.

11. GEO suggests that the number of addresses can be “easily narrowed” by filtering out the foreign addresses, but there is no way to quickly cull the foreign addresses from the domestic ones, because 10,414 of the 46,308 address entries on GEO’s class list do not identify a specific country.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED at Seattle, Washington this 27th day of December, 2019.

*s/ Jamal N. Whitehead*

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JAMAL N. WHITEHEAD